

## FIFTEENTH DAY

(Tuesday, February 7, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by Senator Aikin.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God our Father, we would be still and know that Thou art God. We thank Thee that the heavens declare Thy glory, and the firmament showeth Thy handiwork. May we look inwardly on our own lives and be convinced that Thou hast made us in Thy image. Forbid that we should defile or mar that image today. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
February 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 101, An Act to amend Subdivision (c) of Section 1 of House Bill No. 666, Chapter 467, Acts of the Fifty-fourth Legislature, Regular Session, 1955, as amended

by Senate Bill No. 138, Chapter 2, Acts of the Fifty-fifth Legislature, Regular Session, 1957 (codified as Article 695h V.A.C.S.), so as to provide that the term "State Employee" shall be redefined to include members of the Legislature as to Social Security coverage under said Act; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

## Senate Resolution 59

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Hon. Pete Spoons, Accorder of Maskat Temple, Wichita Falls, Texas, and Mr. Harold Story, prominent businessman of Wichita Falls, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Moffett by unanimous consent presented the guests to the Members of the Senate.

## Senate Resolution 60

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 8th Grade Social Studies Class of Baker Junior High School in Austin, Texas, accompanied by their teacher Mrs. Rucker; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution,

properly endorsed, bearing the official seal of the Senate, be mailed to their class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and their teacher to the Members of the Senate.

#### Reports of Standing Committees

Senator Moffett submitted the following report:

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred S. B. No. 21, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment and be printed.

MOFFETT, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 12, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 14, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 37, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 63, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 114, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 160, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 168, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Hardeman submitted the following reports:

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 152, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 27, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 110, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 60, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 153, have had the same under consideration, and we are instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 171, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 170, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 7, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 82, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be not printed, and that Committee Substitute adopted in lieu thereof likewise do not pass and be not printed.

HARDEMAN, Chairman.

C. S. S. B. No. 82 was read the first time.

#### Senate Resolution 61

Senator Herring offered the following resolution:

Whereas, We are honored to have in the Senate today fifteen Chilean students from the University of Chile and the Instituto Pedagogico in Santiago and Valparaiso who are participating in an educational exchange program at the University of Texas; and

Whereas, This exchange program,

which is carried on through a grant-in-aid from the United States Department of State, provides an excellent opportunity for these students to exchange experiences, ideas and points of view with American students; and

Whereas, It is the hope of this program that such exchanges will create better understanding and good will, thereby fostering better relations and communications between the people of the United States and our good friends from Chile; and

Whereas, These students have been honored to participate in this exchange program on the basis of their high qualities of scholarship and leadership; and

Whereas, The members of this distinguished group of young students visiting the Capitol today and their chosen fields of interest are as follows: Paddy Ahumada Gallardo, mathematics and physics; Sergio M. Elliot Gomez, history and geography; Ana Maria Gimenez Mon, languages; Sergio Guzman Ortega, Spanish; Oscar Hahn Garcia, Spanish; Jose Osvaldo Jara Garcia, philosophy; Fernando Leyton Soto, French; Aurora Maria Lopez Lopez, psychology; Carlos Manuel Munoz Peragallo, biology; Jorge Robles Philip, chemistry; Manual Silva Montenegro, biology; Osvaldo Silva Galdames, geography and history; Cristina Daria Stefanowsky Bandyra, journalism; Luis R. Tambutti Retamales, physics; and Federico David Willoughby-MacDonald Moya, journalism; and

Whereas, They are accompanied by Professor Luis Capurro Soto of the Department of Biology, University of Chile; and

Whereas, It is the desire of the Senate of the 57th Legislature to welcome this fine group of young men and women and to signify our sincere interest in strengthening the bonds of friendship between the United States and the great country they represent; now therefore, be it

Resolved, That the members of the Chilean Student Leader Seminar be officially recognized and commended for their participation in this program, that they be granted privileges of the floor, and that a member of their group be invited to address the Senate; and be it further

Resolved, That a copy of this reso-

lution be presented to each member of this student group with our congratulations and good wishes.

HERRING  
GONZALEZ

The resolution was read and was adopted.

The Presiding Officer (Senator Aikin in the Chair) recognized Senator Herring and he presented the students to the Members of the Senate and requested that Fred Willoughby be invited to address the Senate.

There was no objection offered.

Senator Herring and Mr. Willoughby proceeded to the President's Rotunda. Senator Aikin presented Senator Herring. Senator Herring presented Mr. Willoughby and he addressed the Senate expressing appreciation for honor bestowed upon him and the other students.

The Presiding Officer then recognized Senator Gonzalez and he addressed the students in Spanish extending them greetings from the Senate.

The Presiding Officer then recognized Senator Hudson and he also addressed the students in Spanish extending them greetings and good wishes.

#### Resolution Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 7, Allocating additional space in the State Capitol to the State Senate and House of Representatives.

#### Bill and Resolution Signed

The Presiding Officer announced the signing by the President Pro Tempore in the presence of the Senate after the caption had been read, the following enrolled resolution and bill:

H. C. R. No. 23, Requesting Senate to return S. B. No. 101 to the House for further consideration.

S. B. No. 101, A bill to be entitled "An Act to amend Subdivision (c) of Section 1 of House Bill No. 666,

Chapter 467, Acts of the Fifty-fourth Legislature, Regular Session, 1955, as amended by Senate Bill No. 138, Chapter 2, Acts of the Fifty-fifth Legislature, Regular Session, 1957 (codified as Article 695h V.A.C.S.), so as to provide that the term 'State Employee' shall be redefined to include members of the Legislature as to Social Security coverage under said Act; and declaring an emergency."

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committees indicated:

By Senator Rogers:

S. B. No. 177, A bill to be entitled "An Act amending Section 1c of Chapter 230, Acts of the 50th Legislature, Regular Session, 1947, as amended, to provide that Veterans Day shall be a legal holiday; and declaring an emergency."

To the Committee on State Affairs.

By Senator Moore:

S. B. No. 178, A bill to be entitled "An Act defining State University-owned land as used in Foundation School Program Act to include certain land owned and used by the Agricultural and Mechanical College of Texas; and declaring an emergency."

To the Committee on State Affairs.

By Senator Reagan:

S. B. No. 179, A bill to be entitled "An Act limiting the admissibility as evidence of the books, files and records of banks and building and loan or savings and loan associations and the accounts of depositors or shareholders; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Owen, Hazlewood, Smith, Moffett, Rogers, Crump and Hardeman:

S. B. No. 180, A bill to be entitled "An Act to give the State Board of Insurance certain authority with respect to fixing rates, classifying risks, and establishing uniform policies, forms, clauses, and endorsements in the writing of insurance against loss by hail on farm crops; amending Article 5.53 of the Texas Insurance

Code; repealing all laws in conflict; and declaring an emergency."

To the Committee on Insurance.

#### Senate Resolution 62

Senator Martin offered the following resolution:

Resolved By the Senate of the State of Texas that two additional rules be adopted to read as follows:

"No employee, Senator, Representative or other person shall be allowed to eat or drink in the Senate Chamber proper at any time. The Sergeant-at-Arms and other custodians will strictly enforce this rule.

"While the Senate is actually in session, no male Senator or Representative or any other male person shall come on the floor of the Senate without wearing a coat and tie. The Sergeant-at-Arms and doorkeepers are instructed to strictly enforce this rule, and only the President of the Senate may suspend the rule to any person or to all persons, and that action to be taken in writing to the Sergeant-at-Arms."

The resolution was read and was referred to the Committee on Rules.

#### Senate Bill 170 Ordered Not Printed

On motion of Senator Baker and by unanimous consent S. B. No. 170 was ordered not printed.

#### Senate Bill 171 Ordered Not Printed

On motion of Senator Baker and by unanimous consent S. B. No. 171 was ordered not printed.

#### Senate Bill 36 on Second Reading

The Presiding Officer laid before the Senate as pending business S. B. No. 36 on its second reading (the bill having been read the second time on yesterday) with an amendment by Senator Patman pending.

Question—Shall the amendment by Senator Patman to S. B. No. 36 be adopted?

The Presiding Officer announced that a second reading of the amendment had been called for and directed the Secretary to read the amendment.

The amendment was read the second time and was adopted.

**Record of Vote**

Senator Reagan asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Patman offered the following amendment to the bill:

Amend Senate Bill No. 36 by striking out Section 2 and substituting in lieu thereof the following:

"Sec. 2. That Article 20.11, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, be amended so as to read as follows:

**'Article 20.11 Permits Required**

'(a) From and after the effective date of this chapter, all retailers of items taxable under Articles 20.02, 20.03, and 20.04 of this chapter in this State now engaged or who desire to become engaged in the sale, use or distribution of items taxable under Articles 20.02, 20.03 and 20.04 of this chapter and who do not have a previously obtained retailer's permit, shall file a duly acknowledged application for a retailer's permit, which shall be non-assignable, with the Comptroller, said application to be accompanied by a fee of Five Dollars (\$5). Said applications to be on a form prescribed by the Comptroller, to be furnished upon written request, the failure to furnish which shall be no excuse for the failure to file the same unless an absolute refusal is shown. An application shall be filed and a permit obtained for each place of business owned or operated by a retailer. Said form shall set forth the name under which such retailer transacts or intends to transact such business as a retailer, the principal office, residence, or place of business in Texas, and if other than an individual, the principal officers of a corporation or the members of a partnership or association and their office, street, or post office address. The Comptroller may require in said application such other information as he may desire. No retailer shall make a sale, use or distribution of any item taxable under Articles 20.02, 20.03 and 20.04 of this chapter until such application has been filed and a permit has been obtained.

'(b) Upon receipt of the application the Comptroller shall issue to every such retailer a non-assignable, consecutively numbered permit authorizing the sale, use or distribution of items taxable under Articles 20.02, 20.03 and 20.04 of this chapter in this

State from the date of the issuance of said permit, until and including the following September 30th. On or before October 1st of each year, and before any retailer shall make a sale, use, or distribution of items taxable under Articles 20.02, 20.03 and 20.04 of this chapter or engage in selling items taxable under Articles 20.02, 20.03 and 20.04 of this chapter in this State after September 30th, an application shall be filed and a permit obtained for the succeeding year. Said permit shall provide that the same is revocable and shall be cancelled upon violation of any provisions of this chapter, or any rule or regulation adopted by the Comptroller. If such permit is cancelled or suspended, said retailer shall not sell, use or distribute such items upon which a tax is required to be paid until a new permit is granted or the original permit is reinstated. Provided, however, that no permit shall be issued or reinstated where it appears from a duly verified audit made as herein provided by an authorized representative of the Comptroller that the applicant is delinquent in the remittance or payment of any tax, penalty, or interest under the provisions of this chapter.'

'(c) Permits issued at the time of the effective date of this act and said to expire on August 31, 1961, or hereafter issued to expire on August 31, 1961, shall, unless otherwise provided by the Comptroller by rule or regulation, continue in full force and effect until September 30, 1961'."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend Senate Bill No. 36 by adding thereto a new section to be known as Section 4 to read as follows:

"Sec. 4. Article 20.12, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, is hereby repealed."

The amendment was read.

Question of adoption of the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—23

Calhoun	Crump
Colson	Dies
Creighton	Fuller

Hazlewood  
Herring  
Hudson  
Kazen  
Krueger  
Lane  
Moffett  
Moore  
Owen

Parkhouse  
Patman  
Ratliff  
Reagan  
Roberts  
Schwartz  
Secrest  
Willis

#### Nays—8

Aikin	Martin
Baker	Rogers
Gonzalez	Smith
Hardeman	Weinert

Senator Patman offered the following amendment to the bill:

Amend Senate Bill No. 36 by adding thereto a new section to be known as Section 5 to read as follows:

"Sec. 5. The pressing need to eliminate administrative problems in the miscellaneous excise tax creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after April 1, 1961, and it is so enacted.

The amendment was adopted.

Senator Patman offered the following amendment to the bill:

Amend Senate Bill No. 36 by striking out all above the enacting clause and substituting in lieu thereof the following:

#### "A BILL

#### To Be Entitled

AN ACT amending Article 20.09, Article 20.11 and Article 20.14, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, relating to miscellaneous excise taxes to provide for the filing of quarterly reports; providing for the retailer to remit One Hundred Per Cent (100%) of the tax or taxes collected; providing for permits to be due on or before September 30 of each year; dispensing with the requirement of including specific inventory information in reports; dispensing with the requirement of keeping certain records; repealing Article 20.12, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, relating to bonding requirements of certain re-

tailers; providing an effective date; and declaring an emergency."

The amendment was adopted.

The bill, as amended, was passed to engrossment.

#### Record of Vote

Senator Martin asked to be recorded as voting "Nay" on the passage of S. B. No. 36 to engrossment.

#### Senate Bill 36 on Third Reading

Senator Moore moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—25

Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Gonzalez	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	

#### Nays—6

Aikin	Hardeman
Baker	Rogers
Fuller	Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—19

Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Gonzalez	Roberts
Hazlewood	Schwartz
Herring	Secrest
Kazen	Willis
Krueger	

## Nays—12

Aikin	Martin
Baker	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hudson	Smith
Lane	Weinert

## Senate Bill 32 on Second Reading

Senator Owen moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 32 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 32, A bill to be entitled "An Act validating all acts and proceedings of the Commissioners Court of Hudspeth County, Texas, in creating the Fort Hancock Municipal Water District of Hudspeth County, Texas, etc.; and declaring an emergency."

The bill was read the second time.

Senator Owen offered the following amendment to the bill:

Amend Senate Bill 32 by adding a new paragraph to be known as Section 9a, reading as follows:

"Section 9a. In the event that the District, in the exercise of any power granted herein, makes necessary the relocation, raising, re-routing, or changing the grade of, or altering the construction of any highway, rail-

road, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District."

The amendment was adopted.

On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

## Senate Bill 32 on Third Reading

Senator Owen moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 32 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—31

Aikin	Hardeman
Baker	Hazlewood
Calhoun	Herring
Colson	Hudson
Creighton	Kazen
Crump	Krueger
Dies	Lane
Fuller	Martin
Gonzalez	Moffett



Moore	Rogers
Owen	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Weinert
Reagan	Willis
Roberts	

**Motion to Place  
Senate Bill 3 on Second Reading**

Senator Dies moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 3 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

**Yeas—24**

Aikin	Martin
Colson	Moffett
Creighton	Moore
Crump	Owen
Dies	Patman
Gonzalez	Ratliff
Hazlewood	Reagan
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

**Nays—7**

Baker	Parkhouse
Calhoun	Roberts
Fuller	Rogers
Hardeman	

**Senate Bill 136 on Second Reading**

Senator Schwartz moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 136 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Hardeman
Baker	Hazlewood
Calhoun	Herring
Colson	Hudson
Creighton	Kazen
Crump	Krueger
Dies	Lane
Fuller	Martin
Gonzalez	Moffett

Moore	Roberts
Owen	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Weinert
Reagan	Willis

**Nays—1**

Rogers

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 136, A bill to be entitled "An Act to fix and make certain the amount of compensation to be paid from County funds to the District Judges of the 10th, 56th, and 122nd District Courts of Galveston County by the Commissioners Court of Galveston County in addition to the compensation paid by the State of Texas; prohibiting, however, the payment of any salary by Galveston County in excess of the compensation provided by this Act; providing the time and method of payment; authorizing amendment of the budget; providing that if any portion of this Act is unconstitutional, it shall not affect the remainder thereof; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 136 on Third Reading**

Senator Schwartz moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 136 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

## Nays—1

Rogers

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

## Vote on Final Passage of Senate Bill 36 Reconsidered

Senator Moore asked unanimous consent to reconsider the vote by which S. B. No. 36 was finally passed.

There was no objection offered.

The Presiding Officer then laid S. B. No. 36 before the Senate on its third reading and final passage.

The bill was finally passed by the following vote:

## Yeas—25

Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Moffett	

## Nays—5

Aikin	Martin
Baker	Weinert
Lane	

## Absent

Hazlewood

## Motion to Place Senate Bill 103 on Second Reading

Senator Martin moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 103 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

## Yeas—17

Aikin	Owen
Calhoun	Patman
Creighton	Reagan
Dies	Roberts
Hardeman	Rogers
Hudson	Schwartz
Lane	Weinert
Martin	Willis
Moffett	

## Nays—13

Baker	Krueger
Colson	Moore
Crump	Parkhouse
Fuller	Ratliff
Gonzalez	Secrest
Herring	Smith
Kazen	

## Absent

Hazlewood

## Motion to Adjourn

Senator Hardeman moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—14

Aikin	Parkhouse
Creighton	Ratliff
Crump	Reagan
Hardeman	Roberts
Lane	Smith
Martin	Weinert
Moffett	Willis

## Nays—16

Baker	Calhoun
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Colson	Krueger
Dies	Moore
Fuller	Owen
Gonzalez	Patman
Hazlewood	Rogers
Herring	Schwartz
Kazen	Secrest

Absent

Hudson

**Senate Resolution 63**

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Jim McCrory and Bill Maldonado; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

**Senate Resolution 64**

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate the contest winners of S. A. Jaycee Essay and Poster Contest of "A Voice in Government"; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

**Senate Bill 89 on Second Reading**

Senator Gonzalez moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 89 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 89, A bill to be entitled "An Act changing the name and designation of the Criminal Judicial District Court of Bexar County, Texas, as originally created by H. B. 131, Act of 1933, 43rd Legislature, p. 867, Ch. 247, and as now provided for by H. B. 486, Acts of 1957, 57th Legis., p. 1478, Ch. 507, to the 144th Judicial District Court of Bexar County, Texas; changing the name and designation of the Criminal Judicial District Court No. 2, as originally created by S. B. 395, Acts of 1955, 54th Legis., p. 730, Ch. 262, and as now provided for by H. B. 486, Acts of 1957, 55th Legis., p. 1478, Ch. 486, to the 175th Judicial District Court of Bexar County, Texas, etc. and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 89 on Third Reading**

Senator Gonzalez moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 89 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Dies
Baker	Fuller
Calhoun	Gonzalez
Colson	Hardeman
Creighton	Hazlewood
Crump	Herring

Hudson	Ratliff
Kazen	Reagan
Krueger	Roberts
Lane	Rogers
Martin	Schwartz
Moffett	Secrest
Moore	Smith
Owen	Weinert
Parkhouse	Willis
Patman	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

## Senate Bill 170 on Second Reading

Senator Baker moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 170 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

## Nays—1

Hardeman

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 170, A bill to be entitled "An Act constituting a local law for maintenance of the public roads and highways in Harris County; validating the road and bridge bond election held in said County January 31, 1961, on the proposition of issuing \$4,000,000 bonds of said County for the purpose of constructing roads and bridges for public purposes within said County and improving and maintaining the public roads in said County; validating all proceedings relating to said election and the bonds authorized at said election; providing that the proceeds of such bonds, when issued, shall be used for the voted purposes; providing that the provisions of Chapter Nine of House Bill No. 6, Chapter 492, Acts of the Fifty-second Legislature of Texas, Regular Session, 1951, shall have no application to the election validated by this Act; providing a severability clause; and declaring an emergency."

The bill was read the second time.

Senator Baker offered the following committee amendment to the bill:

Amend S. B. No. 170 by adding the following language thereto at the end of Section 1:

Sec. 1A. This act shall have no application to litigation pending in any court of competent jurisdiction in this State on the effective date hereof questioning the validity of any matters hereby validated if such litigation is ultimately determined against the validity of the same. Nor shall this act apply to any matters which have heretofore been declared invalid by a court of competent jurisdiction in this State.

The committee amendment was adopted.

On motion of Senator Baker and by unanimous consent the caption of the bill was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Senate Bill 170 on Third Reading**

Senator Baker moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 170 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

**Nays—1**

Hardeman

The Presiding Officer then laid the

bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30**

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

**Nays—1**

Hardeman

**Adjournment**

On motion of Senator Secrest the Senate at 12:18 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**In Memory of**  
**Reverend C. G. Fox**

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Senator Willis offered the following resolution:

(Senate Resolution 58)

Whereas, The death of Reverend C. G. Fox of Tarrant County, Texas, on 14 January, 1961, marks the passing of a kind and considerate Christian leader; and

Whereas, Reverend Fox was a retired Rector of Trinity Episcopal Church. He was a native of County Longford, Ireland, and after serving as an Episcopalian Missionary among Indians of the Hudson Bay country of Canada, returned to England and was Chaplain to the 48th Highlanders, a Canadian-Scottish regiment of kilted infantry in World War I. He was commissioned a Major by King George V and decorated with the War Medal for front line service; and

Whereas, Reverend Fox was former President of the Fort Worth-Dallas Diocese of Episcopal Clergymen, a Mason, a Shriner, Kiwanian and for 20 years Chaplain to Elks Lodge 124. He was a Post Commander of the American Legion and Chaplain of the Texas Reserve Officers Association; and

Whereas, Reverend Fox was a cheerful, considerate and kind churchman who contributed his time and talents to better the conditions of his fellowman. He was a Christian gentleman in every sense of the word; now, therefore, be it

Resolved, by the Senate of Texas That a page in today's Senate Journal be devoted to his memory; that copies of this resolution be sent to his family; and that when the Senate adjourns today, it do so in respect and honor of Reverend C. G. Fox.

The resolution was read and was adopted by a rising vote of the Senate.